

EXHIBIT “E”

IN THE U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

TINA LINDQUIST,

Plaintiff

vs.

HEIM, L.P.,

Defendant

*

*

* Case No.

* 04-249E

*

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* * * * *

DEPOSITION OF
ROBERT ROONEY
September 8, 2005

COPY

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1 use of hand tools by Corry?

2 A. Not that I know of. If it was,
3 it was before, you know, I got over
4 there or whatever.

5 Q. Do you know if Corry changed the
6 electronics at all for this particular
7 Heim press brake?

8 A. I don't know nothing about that.

9 Q. Have you ever worked in the
10 maintenance department?

11 A. Nope.

12 Q. Does the foot pedal that is
13 shown in pictures 31, 32 appear to be
14 the foot pedal that Tina Lindquist was
15 using at the time of her injury?

16 A. Yeah, it would be the yellow
17 ---. It was either yellow or orange.
18 Yeah.

19 Q. Okay. You know how long of a
20 cord was on that foot pedal?

21 A. No, I don't know. It'll only
22 show to that box.

23 Q. I see photograph 32 appears to
24 show the entire length of the cord; do
25 you see that?

EXHIBIT “F”

U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

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TINA LINDQUIST,	*	
Plaintiff	*	Case No.
vs.	*	04-249-ENE
HEIM, LP,	*	
Defendant	*	

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DEPOSITION OF
JOEL NICHOLS
July 22, 2005

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1 the ram could come down on your hands
2 when you were hand-forming the
3 product on the mandrel if you
4 accidentally hit the foot switch; is
5 that right?

6 A. Yeah.

7 Q. Has anyone ever indicated if
8 Tina Lindquist was --- accidentally
9 hit the foot switch?

10 A. No. It was speculated, but
11 not indicated.

12 Q. Where's the --- do you know if
13 the foot switch that is shown in
14 Photo Three of Exhibit A is the same
15 foot switch that Tina Lindquist was
16 using at the time of her accident?

17 A. Yes.

18 Q. And how can you tell that?

19 A. Because it was an orange foot
20 pedal.

21 Q. We've heard from one of the
22 maintenance men that all of the press
23 foot switches were orange?

24 A. I believe the one that's over
25 on the Niagara should be yellow.

1 Q. Okay. And how about the ones
2 --- have you ever seen any other foot
3 switches?

4 A. Yeah, they've got one of them
5 --- I'm trying to think what kind of
6 press it is. One of the multi-
7 presses downstairs has a foot switch.
8 But it's very rarely used.

9 Q. What color is that foot
10 switch?

11 A. Offhand, I'm not sure. I
12 believe that one would be yellow also
13 downstairs.

14 ATTORNEY HARTMAN:

15 And I'm going to object
16 to your statement that all the
17 foot switches were orange.
18 Because I believe that there
19 was testimony there were
20 yellow and black foot switches
21 in use ---

22 A. Yeah.

23 ATTORNEY HARTMAN:

24 --- in other places,
25 Paul. Correct me if I'm

EXHIBIT “G”

U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

TINA LINDQUIST,	*	
Plaintiff	*	Case No.
vs.	*	04-249-ENE
HEIM, LP,	*	
Defendant	*	

* * * * *

DEPOSITION OF
DAVE PHILLIPS
July 22, 2005

COPY

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1 history of it?

2 A. No. No, I have no idea of
3 what the history of that press was.
4 All I know is they bought it at an
5 auction or something and ---.

6 Q. Do you remember when it was
7 purchased at an auction?

8 A. I don't remember what year. I
9 remember the first time it came in
10 the door.

11 Q. Did it have a foot switch on
12 at that time?

13 A. I do believe so.

14 Q. Did it have any --- a two-palm
15 button switch?

16 A. No, not that I know of.

17 Q. Did it have any light curtain
18 on it?

19 A. No.

20 Q. Were you involved at all in
21 removing the foot switch after the
22 accident?

23 A. Yes. I was told to go down
24 and take it out.

25 Q. Take the foot switch out?

1 Tina Lindquist's injury?

2 A. No.

3 Q. Have you ever talked with Tina
4 Lindquist about this accident?

5 A. No.

6 Q. Have you ever talked with
7 Jamie about the accident?

8 A. I've asked Jamie how she was
9 doing. That's as far as it went.

10 Q. Do you still see him on
11 occasion?

12 A. On occasion. Very seldom.

13 Q. He works with Waste Management
14 now doesn't he?

15 A. Yes.

16 Q. Is he driving truck?

17 A. Yes.

18 Q. Do you remember what color the
19 foot switch was that you removed from
20 the machine? From the day after or
21 so?

22 A. I do believe it was orange.

23 Q. Are you certain of that?

24 A. I do believe.

25 Q. Are there any other different

1 machine Tina Lindquist was on?

2 A. Right.

3 Q. Earlier you thought --- your
4 testimony was that you believe that
5 operators set up the machine. Am I
6 correct that there is a setup person
7 for the machine?

8 A. Yes.

9 Q. Earlier your testimony was ---
10 and Mr. Robinson can certainly
11 correct me if I'm wrong --- that with
12 regard to whether or not you use the
13 foot pedal or the two-hand control,
14 the key to that was retained by the
15 setup person. Do you have any
16 information what was used then?

17 A. I know they've been taking
18 keys out, because every time I go to
19 do press inspection, I have to go
20 find the keys to switch it over to do
21 my inspections.

22 Q. And that would be the setup
23 person who has the key?

24 A. I don't know what they do ---
25 well, I have to go ask for it. I

137

1 don't know who gives it.

2 Q. Where they get it from?

3 A. A lot of time they're just
4 lain on one certain spot.

5 Q. Okay. Would it --- am I
6 accurate to say that the setup person
7 sets up the machine for your
8 particular run, not the operator?

9 A. I guess.

10 Q. Okay.

11 ATTORNEY HARTMAN:

12 I have no further
13 questions. Thank you.

14 REDIRECT EXAMINATION

15 BY ATTORNEY ROBINSON:

16 Q. You mentioned the distance of
17 the floating blank, the range of the
18 floating blank, may depend on how
19 it's programmed; is that right?

20 A. Yes.

21 Q. Who does the programming? Is
22 that something ---?

23 A. I don't know who's doing it.
24 It should be a setup probably.

25 Q. Is that done by Corry?

EXHIBIT “H”

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

* * * * *

TINA LINDQUIST,	*	
Plaintiff	*	Case No.
vs.	*	04-249E
HEIM L.P.,	*	
Defendant	*	

* * * * *

DEPOSITION OF
TINA LINDQUIST
June 28, 2005

COPY

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is prohibited without authorization
by the certifying agency.

1 Q. Was there a two palm button
2 switch on the press brake that you
3 were working on at the time of your
4 injury?

5 A. No, I didn't see one. I
6 always seen it used with the foot
7 pedal.

8 Q. Do you remember there being a
9 two palm button pedestal attached to
10 the press brake on which you were
11 working at the time of your injury?

12 A. There was one beside it, but I
13 didn't know it went to that machine.
14 I didn't know if it was just put off
15 there to be out of the way or if it
16 did go to it, I didn't know for sure.
17 There was one off to the side.

18 Q. All the investigators have
19 noted that there was a two palm
20 button attached to this particular
21 machine, in fact, able to be used at
22 the time you were injured.

23 A. Well, they told me that the
24 foot pedal was hooked up and I had to
25 use the foot pedal.

1 There's a very blurry
2 picture that I have --- this
3 is the picture that was
4 supplied to me with a number
5 on top. It has been marked as
6 number 65 and we will use that
7 for purposes of the
8 deposition, but we're going to
9 mark the other copy as Exhibit
10 C.

11 (Exhibit C marked for
12 identification.)

13 BY ATTORNEY ROBINSON:

14 Q. And I'll ask you, does that
15 appear to be the foot switch that you
16 were using on the date that you were
17 injured?

18 A. Yes.

19 Q. And do you see that it has an
20 enclosed pedal?

21 A. Yes.

22 Q. Does that refresh your memory
23 that the pedal that you were using
24 was an enclosed pedal?

25 A. Yes.

1 doing those steps one and two. Is
2 that the same as this step that you
3 were performing when you were
4 injured?

5 A. I would sit and stand, I mean,
6 I don't know if I would've sit more
7 than I would stand. I would switch
8 back and forth. I would sit for a
9 little bit, then if my legs get
10 tired, I'd move the chair and I'd
11 stand and do it.

12 Q. You were sitting at the time
13 of this incident, weren't you?

14 A. Yeah, I was sitting at the
15 time of the incident.

16 Q. So you were actually
17 performing this step while you were
18 sitting in front of the press brake.
19 Was your foot inside the foot switch,
20 the housing of the foot switch that
21 we saw in one of those photographs?

22 A. It wasn't inside of it. I
23 took it away from it after I had
24 finished the last part, to get the
25 other part to put it on there.

1 records say. If they say what
2 you say they said, I would ask
3 you to produce it. Otherwise,
4 ask your question as to what
5 happened.

6 BY ATTORNEY ROBINSON:

7 Q. Is that what you were doing?

8 A. No, it wasn't resting on the
9 pedal, it was away from it.

10 Q. Do you know of any way you can
11 apply the pedal if your foot is not
12 inside the housing?

13 A. If it got --- if it would slip
14 or something into it, it wasn't like
15 the thing you pushed was way up off
16 the ground and you had to lift your
17 foot up all the way to put it in
18 there. It was wide enough, the hole
19 was, to be able to fit it, you know,
20 slide it in there.

21 Q. How high up was the pedal off
22 of the ground?

23 A. It was right on the ground.
24 The whole foot pedal was right on the
25 ground.

1 Q. Isn't there a space between
2 the actual foot switch, the actual
3 foot lever and then the ground?

4 A. A little bit, I don't know. I
5 never got on the ground to see how
6 far off of it it was.

7 Q. Can you give any estimate as
8 to how far off the ground the foot
9 lever was?

10 A. No, because you can't see it
11 from when you're sitting or standing.
12 You'd have to get on the ground, eye
13 level with it to see.

14 Q. Was there a piece of metal
15 that acted as a door for the foot
16 switch, so that if you wanted to put
17 your foot in, you'd actually have to
18 push back the piece of metal and then
19 push down?

20 A. No, I don't think so.

21 Q. Do you know the answer to that
22 question?

23 A. No, what do you mean? I'm
24 confused, a door that would close it?
25 Cover the hole?

1 Q. Yes.

2 A. Oh no, there wasn't one of
3 those.

4 Q. Do you have any memory of your
5 foot slipping into the foot switch
6 housing?

7 A. No, I don't know how it
8 happened or anything.

9 Q. When you were using the press
10 brake for the first step, when you
11 would press the foot switch, how many
12 times would the press brake operate?
13 How would it operate?

14 A. It would come down and go back
15 up.

16 Q. And then stop?

17 A. I don't know, after it would
18 come up, I would take my foot off of
19 it, I don't know if you would've kept
20 it on there if it would've kept on
21 going.

22 Q. Did you ever have it keep
23 going?

24 A. No.

25 Q. Okay. And when you would

1 Q. And do you have any
2 explanation as to how the press brake
3 operated?

4 A. What do you mean, how it got
5 hit?

6 Q. How it activated, how it
7 started?

8 A. No, I don't know. My foot
9 slipped or something, I don't know.
10 You used oil, so there could have
11 been oil or something, I don't know.

12 Q. So you don't know if your foot
13 slipped and hit the foot switch or
14 not?

15 A. No.

16 Q. Has anyone ever given you any
17 ideas as to how the press brake may
18 have activated?

19 A. No.

20 Q. At the time of your injury?

21 A. No.

22 Q. Do you remember your foot
23 slipping at all?

24 A. No.

25 Q. Do you know if somebody else

EXHIBIT “I”

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF PENNSYLVANIA
3

4 TINA LINDQUIST,)

ORIGINAL

5 Plaintiff,)

6 vs.)

NO. 04-249E

7 HEIM L.P.,)

8 Defendant.)

9
10 The discovery deposition of ANTHONY ROBERT
11 MASE, JR., taken in the above-entitled cause,
12 before Kyla Elliott, a notary public of Cook
13 County, Illinois, on the 27th day of July, 2005, at
14 33 North LaSalle Street, Chicago, Illinois,
15 pursuant to Notice.
16
17
18
19
20

21 Reported by: Kyla Elliott, CSR, RPR

22 License No.: 084-004264
23
24

1 MR. ROBINSON: Objection, asked and answered on
2 a number of occasions.

3 MR. HARTMAN: I don't think it has been.

4 MR. ROBINSON: Well, that's okay, the record is
5 clear. And Mr. Mase is going to answer your
6 questions a number of times until we get to a
7 number that we're comfortable telling him that he's
8 answered enough. So you can keep going through
9 this. Go ahead, please.

10 THE WITNESS: We build a general purpose
11 machine. It can do numerous types of applications
12 that we would not have privy of information to.
13 The press that we provide there has to be other
14 items added to the machine for it to perform a
15 function. And we have no idea what that would be.

16 BY MR. HARTMAN:

17 Q. What type of items?

18 MR. ROBINSON: I'm sorry.

19 BY MR. HARTMAN:

20 Q. What type of items would be added to --
21 give me a general idea of what type of items are
22 added to the machine to make it function?

23 A. You would need a dye.

24 Q. But the dye is located under the ram, am I

1 objection.

2 BY MR. HARTMAN:

3 Q. Okay. Sir, was it known in the industry
4 in the -- prior to 1978, that operators of press
5 brakes had their hands caught between the dye and
6 the ram area?

7 MR. ROBINSON: I'll object to the form of the
8 question.

9 THE WITNESS: I believe that was an awareness.

10 BY MR. HARTMAN:

11 Q. Well, that's why they invented presence
12 sensing devices and pull back devices and barrier
13 gates, am I correct?

14 MR. ROBINSON: I'll object and instruct the
15 witness not to answer why some manufacturer may
16 have created those devices. There's no suggestion
17 that Heim has manufactured those devices and I
18 don't think that's an appropriate question.
19 Instruct the witness not to the answer the
20 question, yes.

21 BY MR. HARTMAN:

22 Q. Sir, back in 1978 you were aware of
23 presence sensing devices you indicated earlier,
24 correct?

1 provided with the 70-6 in 1978?

2 A. I believe it was orange.

3 Q. And I would ask you to assume because I
4 have other photographs that the opening of this
5 orange foot pedal is open, you can slide your foot
6 right in and then there's a pedal?

7 MR. ROBINSON: I'll object to the form of this.

8 BY MR. HARTMAN:

9 Q. If you assume that would that foot pedal
10 be the type of foot pedal that would have been
11 supplied with the 70-6 in 1978?

12 If you assume that this foot pedal has an
13 opening at the front of it where the operator just
14 slides their foot in and can hit the pedal, would
15 that be the type of foot pedal that would have been
16 supplied with the brake press in 1978?

17 MR. ROBINSON: I'll object to the form of the
18 question. Are you asking him if the foot pedal
19 that was supplied with the press brake in 1978 had
20 an opening.

21 MR. HARTMAN: Okay, yes.

22 THE WITNESS: I would make that assumption,
23 yes.

24

1 But let's continue with your questions. I just
2 want to make sure I bring these up so that the
3 Court is aware of what's taking place here.

4 MR. HARTMAN: Paul, be my guest here.

5 BY MR. HARTMAN:

6 Q. With regard to the foot pedal, you've
7 indicated that you cannot precisely tell that that
8 is the foot pedal that was supplied with the
9 machine, correct?

10 A. Correct.

11 Q. You did testify that it does appear to be
12 the general type of foot pedal that would have been
13 supplied with this machine, am I correct?

14 A. Correct.

15 Q. The original foot pedal would have been
16 orange, this is orange, correct?

17 MR. ROBINSON: Actually he's indicated to you
18 he wasn't really sure. He thinks it might have
19 been orange, but he wasn't there and he doesn't
20 know.

21 MR. HARTMAN: He said it was orange, he doesn't
22 know if the cord was yellow. Paul, if you want to
23 testify, at least get it right.

24 MR. ROBINSON: I believe when I raise the

1 objection to your comment that he specifically said
2 he doesn't know.

3 BY MR. HARTMAN:

4 Q. What color do you understand the foot
5 pedal to be that accompanied the 1978 70-6?

6 A. I believe it would be orange.

7 Q And you think the cord may have been
8 yellow, am I correct?

9 A. Correct.

10 Q. And the foot pedal that would have been
11 supplied with this particular machine would have
12 had an opening such as the opening that exists in
13 photograph 2, am I correct?

14 A. Correct.

15 Q. So that you can slide your foot in and
16 out, am I correct?

17 A. Correct.

18 Q. And when you slide your foot in there
19 would have been a switch that you would depress to
20 operate the press brake, am I correct?

21 A. It would activate the press brake, yes.

22 Q. Do you know on the 70-6 the time it takes
23 to stop the ram as it's going down?

24 A. No.

1 it has sold?

2 A. I don't believe so.

3 Q. Are you aware of any other lawsuits
4 involving the model 70-6 press brake manufactured
5 by Heim?

6 A. No.

7 Q. Are you aware of any other personal
8 injuries resulting from the use of a model 70-6
9 press brake?

10 A. No.

11 Q. Have you sold press brakes did you say for
12 Clearing?

13 A. Clearing didn't -- not while I was there.

14 Q. Niagra, did you sell press brakes for
15 Niagra?

16 A. I wasn't involved with the sales
17 department with Niagra, I was aftermarket sales.

18 MR. ROBINSON: Those are all of the questions
19 that I have.

20 MR. HARTMAN: I just have a couple of
21 follow-up, I promise you I'll be short.

22 FURTHER EXAMINATION

23 BY MR. HARTMAN:

24 Q. When you said that you don't know of any

1 other injuries occurring with the model 70-6 press
2 brake, you don't know whether there were or there
3 weren't, am I correct?

4 A. That's correct.

5 Q. Okay. You're not saying there weren't any
6 or you're not saying there were, you just don't
7 have that information?

8 A. I'm not aware of any, right.

9 Q. I looked through all of the invoices and
10 shipping documents that were included in Exhibit
11 No. 5. It appears to me that with regard to the
12 original purchase of the press brake, it was
13 shipped directly to the end user, am I correct?

14 A. I would have to double-check but that
15 would normally be the case, we would get shipping
16 instructions, yes.

17 Q. Distributor, is that kind of like the
18 franchise like the Chevy dealer he basically sells
19 a product that someone else makes it, is that how a
20 distributor network is worked out?

21 MR. ROBINSON: I object to the form of the
22 question. He's not going to answer that general
23 question where you try to tie Heim to one of its --
24 to a distributor to an agent dealership, franchisee

1 question. He's indicated assuming other things
2 such as the air is hooked up, you've left that out
3 of the equation. I want to make sure that the
4 record is clear that there are other processes
5 involved other than simply putting electricity to
6 it, which is how I could see the term energize be
7 read. And that there is, in fact, an air line,
8 there is an electrical line, there is a foot
9 switch, there is a point of operation safety
10 device, all the things that he's already said.

11 BY MR. HARTMAN:

12 Q. Your press brakes will function without a
13 point of operation protection device; is that
14 correct?

15 A. It will go up and down, yes.

16 Q. They're designed to do that, am I correct?

17 A. That's correct.

18 Q. The only thing that the employer has to do
19 to make it other than what we've already talked
20 about, energize, affix and attach a foot pedal to
21 make it begin molding parts or bending parts to put
22 the dyes in, am I correct?

23 A. The dye would be a requirement to make any
24 part, yes.

EXHIBIT “J”

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST,

Plaintiff,

-vs-

HEIM, L.P.

Defendant.

) ORIGINAL

)

) No. 04-249E

)

)

The videotaped deposition of MR. GARY
HUTTER, called for examination pursuant to Notice
and the Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, taken before DEANNA AMORE, a notary
public within and for the County of Cook and State
of Illinois, at 33 North LaSalle Street, Chicago,
Illinois, on the 12th day of April, 2006, at the
hour of 8:14 a.m.

CSR No.: 084-0003999

1 wasn't used for 30-some years because the foot
2 control that was there at the time of the accident
3 is different than the foot control that was sold by
4 Heim.

5 But certainly I would expect the foot control
6 might change its color to some extent. I don't
7 know that I would even expect, depending on the
8 production, that a foot control pedal would
9 necessarily survive for 30 years.

10 I believe the testimony of one of the people
11 for the maintenance for Cory said it looked new to
12 him and he wouldn't be surprised if that was the
13 original equipment.

14 But that's what I was referring to in this
15 sentence was the fact that the pedal itself appears
16 to be dark, and I think Linemaster did not sell
17 them that way.

18 BY MR. HARTMAN:

19 Q. If it was a Linemaster, is it your
20 testimony you would expect to see orange on the
21 inside?

22 A. That's correct.

23 Q. The next paragraph you indicate, the
24 self-inflicted injury appears to have occurred when

97

1 they were injured, that's correct.

2 Q. Do you believe it was an inadvertent or
3 advertent pressing down on the foot control?

4 A. You know, that's an interesting question.
5 I don't believe it was inadvertent in that she had
6 a muscle twitch necessarily that caused it.
7 I believe that it is probably that she is leaving
8 her foot on the foot control and that she is
9 familiar with cycling the machine, and she cycles
10 it probably by some mental signal going through her
11 nervous system causing her foot to move.

12 But we will never know that because no one
13 took a photograph or documented it at the time or
14 there is no way to properly document that. So
15 I guess that's my opinion about that.

16 Q. Do you have any evidence that she intended
17 to operate the foot control while her hands were in
18 the dye?

19 A No, I don't think she was intending on
20 maiming herself or amputating fingers.

21 Q. What evidence do you have that
22 Ms. Lindquist left her foot in the foot control at
23 the time of her accident immediately prior to the
24 operation of the foot control?

1 anything that I would think that's material to my
2 opinions that I would like to change.

3 Q. Is there anything that when you read it
4 the last time, you felt was inaccurate even if it
5 wasn't material?

6 A. I can't think of anything.

7 Q. In the second paragraph you indicate,
8 referring to press brakes, that it is usually
9 considered a multi-purpose machine typically able
10 to produce long V-type bends through the use of
11 owner-supplied dyes; am I correct?

12 A. Yes.

13 Q. Is that a distinguishing characteristic of
14 a press brake?

15 MR. ROBINSON: Object to the form of the
16 question.

17 THE WITNESS: Only in that they tend to have
18 longer, narrower beds than mechanical presses but
19 you could put a long, narrow bed on a mechanical
20 press.

21 BY MR. HARTMAN:

22 Q. You indicate that the machine does not
23 have a pinch plate that caused the plaintiff's
24 injuries when it left the control time; am

124

1 mandated by OSHA. It is what's mandated by ANSI.
2 It is what the custom and practice is for
3 safeguarding the point of operation.

4 BY MR. HARTMAN:

5 Q. OSHA was silent in its report as to
6 whether or not Heim supplied a defective foot
7 control with its machine; am I correct?

8 MR. ROBINSON: I object to the form of the
9 question.

10 THE WITNESS: I guess --

11 MR. ROBINSON: Also asked and answered.

12 THE WITNESS: Taken in context of what
13 I said, I guess.

14 BY MR. HARTMAN:

15 Q. Is it reasonably foreseeable that
16 operators of press brakes would place their hands
17 in the dye area?

18 MR. ROBINSON: Objection to the form.

19 THE WITNESS: It is foreseeable that under
20 certain circumstances operators will put their
21 hands in the dye areas with the proviso that it is
22 recommended by OSHA, by ANSI and other safety
23 organizations that that not be done. And it is
24 recommended and required by OSHA and ANSI that

149

1 in more recent standards you see the recommendation
2 or requirement that foot controls be anchored in a
3 specific location depending on what's being
4 processed and how the dyes are being used and how
5 big or the shape of the piece part.

6 But for this particular accident where it
7 is small and the way the accident occurred, I don't
8 have a problem with the foot pedal or foot control
9 being where it was described.

10 Q. I refer you to page 13 of your report,
11 please.

12 A. Sure

13 Q. Paragraph 2.

14 A. The one that starts out one?

15 Q. Yes. It says, one of the other safety
16 concepts used in offering add-on safety features is
17 that the application of an add-on safeguard itself
18 should not cause a new or aggravated hazard. The
19 application of a front cover to a foot control for
20 this type of equipment causes a new or aggravated
21 hazard, that of riding the foot control.

22 Did I correctly read your report?

23 A. Yes, I think so.

24 Q. And is that your testimony today?

1 A. Sure.

2 Q. With regard to training and the safety
3 hierarchy, would HOOD be a training method of
4 safeguarding machines?

5 MR. ROBINSON: Object to the form.

6 BY MR. HARTMAN:

7 Q. Do you know what HOOD is?

8 A. Yes.

9 Q. What is HOOD?

10 A. HOOD is an abbreviation or acronym that
11 stands for Hands Out of Dyes.

12 Q. Is part of the Hands Out of Dyes method of
13 safeguarding the machine, the operator, involve
14 training of the operator?

15 MR. ROBINSON: Objection to the form.

16 THE WITNESS: That's two questions really.

17 Hands Out of Dyes is a recommended practice
18 that currently is not a complete adequate way of
19 safeguarding most machines in most operations but
20 it is something that's embraced by ANSI. It is
21 something embraced by OSHA. It is something
22 embraced by the safety community.

23 It relies heavily on supervision, training and
24 worker's ability to perform their function with the

186

1 were being written around hardware kinds of things.

2 Today, if HOOD was introduced today, it might
3 be more likely to be embraced and accepted because
4 we have many more procedural standards that are
5 accepted now.

6 The problem with HOOD was that employers
7 started to use it in place of safeguarding. They
8 started to rely too heavily on it. And when they
9 could have easily provided point-of-operation
10 safeguarding, they would say, well, we will just
11 train the guy or train the person and rely on that
12 when it probably was better to do it other ways.

13 HOOD also had some application for small
14 production runs where point-of-operation
15 safeguarding may have been impractical. And under
16 those circumstances it was decided that you could
17 run a machine and put your hands in the point of
18 operation as long as there was a lot of
19 supervision, administrative controls and it cost
20 production which meant money.

21 BY MR. HARTMAN:

22 Q. On the first full paragraph of page 14
23 beginning with additionally --

24 A. Yes.